

**11.3.7 Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

**11.3.8 Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

**11.3.9 Notification of application before the Planning Board or ZBA.** At the time an application is filed for a special permit or site plan review or subdivision approval from the Lowell Planning Board, an application for a special permit or variance from the Zoning Board of Appeals, or an application for a project including new construction or a change in use from the Lowell Historic Board, the applicant shall post a sign, consistent with the regulations of Article VI, Sec. 6.3.2 (20) of this ordinance, upon the property to notify the public of the application. Such sign must be posted at least 14 days before the public hearing. The following are exempt from the regulations under Section 11.3.9: [Ord 10/31/06]

1. Application for Special permit under Section 4.5.5 of the Zoning Ordinance, to expand a non-conforming one or two-family residential structure.

## **SECTION 11.4 SITE PLAN REVIEW**

**11.4.1 Purpose.** The site plan review process is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution in order to protect and promote the health, safety, convenience, and general welfare of the inhabitants of the city, and to promote acceptable site planning practices and standards within the City of Lowell. It is also the intent of this review process to ensure compliance with the City of Lowell Zoning Ordinance, the Regulations of the Planning Board, and good zoning practices.

**11.4.2 Applicability.** The following types of activities and uses on a single lot or on contiguous lots in common ownership require site plan review:

1. Any of the following, as a single proposed development project or a series of development projects within a 12 month period:
  - a. Construction of a non-residential structure or structures greater than 10,000 square feet,
  - b. Exterior alteration or expansion of a non-residential structure or structures where the area of alteration or expansion exceeds 10,000 square feet, or,
  - c. Exterior alteration or expansion of a non-residential structure or structures where the alteration or expansion will exceed 50% of the total gross floor area of the structure or structures upon completion of the project, and where the complete project will be a structure or group of structures greater than 10,000 square feet. [Ord. 4-3-07]
2. Construction, exterior alteration, conversion or expansion of any residential structure or structures with more than three dwelling units, except for subdivisions containing only single family homes approved by the Lowell Planning Board under MGL 41 Section 81 and the City of Lowell's Subdivision of Land Regulations. Single family homes on lots created through the regulations of MGL 41, Section 81P (Approval Not Required Lots) will require site plan review, when more than three units are built on common or contiguous lots. [Ord. 4-3-07]
3. Construction or expansion of any parking lot with more than fourteen spaces or 4,000 square feet of impervious surface.
4. Any commercial construction involving the installation or construction of self-service gasoline pumps or drive-through or drive-up customer service on the premises.

5. Construction, exterior alteration, conversion or expansion of a Privately Developed and/or Operated Dormitory subject to Section 7.8 of this ordinance. [Ord. 11-24-09]

6. Construction of freestanding telecommunications towers under section 7.6.3 of this ordinance. [Ord. 5-25-10]

**11.4.3 Exemptions.** Any development involving the renovation of an existing building subject to the review and approval of the Lowell Historic Board, where all substantial work is confined within the footprint of the existing building, is exempt from site plan review.

**11.4.4 Procedures; Site Plan Review with Required Public Hearing.** An application for site plan approval shall be submitted to the Planning Board for its review and decision. The Planning Board shall open a public hearing within sixty-five (65) days from the date of receipt of the application, and notice shall be provided in accordance with the provisions of G.L. c. 40A, s. 11.

1. The Planning Board shall, within thirty (30) days of the close of the public hearing, approve, approve with conditions, or deny approval of the site plan. The decision of the Planning Board shall be upon a majority of the Board as constituted.

2. The Planning Board shall file a written decision with the City Clerk within fourteen (14) days after taking action as set forth above.

**11.4.5 Pre-Application Scoping.** Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Board and to schedule a comment period at a regular meeting of the Board. Waivers may be requested pursuant to section 11.4.9 at such scoping.

**11.4.6 Application.** An application for site plan approval shall be accompanied by six (6) copies of the site plan which shall be at a scale to be 1" = 20', unless otherwise approved by Planning Board. Additional copies shall be submitted as set forth in Section 11.4.8. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. The site plan shall include the following information, which shall be submitted on the following sheets:

1. Existing Conditions.

A. Location of all existing natural features, including ponds, brooks, streams, wetlands, elevations and topography, proposed and existing contours.

B. Owners of record of all abutting lots as of the most current City of Lowell Tax Assessors' records and the approximate locations (may be based on City of Lowell GIS data or aerial photography) of all buildings or structures on abutting lots that are located within 30'-0" of the lot lines of the proposed project site

2. Site Layout.

A. Location and dimensions of all buildings and other construction;

B. Internal roadways and accessways to adjacent public roadways, and a profile of same if determined to be necessary by the Planning Board;

C. Location of snow storage areas and trash dumpster.

D. Paths of safe emergency egress from all proposed buildings to the public right-of-way.

3. Parking.

A. Location and dimensions of all parking areas, loading areas, walkways, and

driveways.

4. Landscaping and Lighting.

A. Location and type of external lighting;

B. Location, type, dimensions and quantities of landscaping and screening.

5. Utilities.

A. Location and dimensions of utilities, including water, surface drainage, sewer, fire hydrants and other waste disposal, and a profile of same if determined to be necessary by the Planning Board.

6. Architectural plan.

A. Architectural plan which shall include the ground floor plan and architectural elevations of all proposed buildings. All residential projects with ten (10) or more units and all non-residential buildings of 10,000 or more square feet must also include one or more architectural rendering(s) sufficient to establish views of the structure or structures from the public way. [Ord. 11-29-05]

**11.4.7 Narratives.** A zoning evaluation table shall be provided to show how the development meets or fails to meet the requirements of the City of Lowell Zoning Ordinance. Such site plan shall also be accompanied by a brief narrative, as required by the Planning Board, addressing the above site plan requirements and other appropriate concerns in the following defined categories: (a) buildings; (b) parking and loading; (c) traffic flow and circulation; (d) external lighting; (e) landscaping and screening; (f) utilities; (g) snow removal and (h) an environmental impact statement, if required by the Planning Board; otherwise a description of natural area protection and enhancement.

**11.4.8 Review by Other Agencies.** The applicant shall, within seven (7) days after submission of an application for site plan approval, transmit one (1) copy each of said application and plan to the City Engineer, Board of Health, Conservation Commission, Fire Chief, Police Chief, City Transportation Engineer, Wastewater Utility and the Water Utility, who may at their discretion, investigate the application and report in writing their recommendations to the planning board on a timely basis. The planning board shall not take final action on such application until it has received a report thereon from such officials or entities, or until thirty-five (35) days from the date of such transmittal have elapsed without a submission of said report(s), in which case failure to respond shall be deemed a lack of opposition to the application.

**11.4.9 Waiver of Technical Compliance.** The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Sections 11.4.6, 11.4.7 or 11.4.8 where the project involves relatively simple development plans.

**11.4.10 Decision.** Site plan approval may be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these goals. New building construction or other site alteration shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

2. Maximize pedestrian and vehicular safety on the site, to the site, and egressing from it;

3. Minimize obstruction of scenic views from publicly accessible locations;

4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

5. Minimize glare from headlights and lighting intrusion;
6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
7. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
8. Provide adequate access to each structure for fire and service equipment and adequate utilities;
9. Provide stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulation, the Massachusetts Department of Environmental Protection Stormwater Management Policy Handbook: Volume I & Stormwater Technical Handbook Volume II, and all other applicable stormwater regulations. [Ord. 11-13-07]
10. Ensure compliance with the provisions of this Zoning Ordinance, including the parking, signage, landscaping and environmental performance standards.

**11.4.11 Effect.** No building permit shall be issued by the Building Commissioner without the written approval of the site plan by the Planning Board, or unless ninety (90) days lapse from the date of the submittal of the site plan without action by the Planning Board.

1. Where the Planning Board approves a site plan "with conditions", and said site plan accompanies a special permit or variance application, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a variance issued by the Board of Appeals or a Special Permit issued by the specified Special Permit Granting Authority.
2. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.

**11.4.12 Lapse.** Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

**11.4.13 Regulations.** The Planning Board may adopt reasonable regulations for the administration of site plan review.

**11.4.14 Fee.** The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

**11.4.15 Appeal.** Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

**11.4.16 Notification of application for site plan review.** An applicant for site plan review before the Planning Board shall be subject to the notification requirements of Section 11.3.9 of this ordinance. [Ord 10/31/06]

Attest: the foregoing is a true copy of the Zoning Ordinance of the City of Lowell in effect on December 8, 2004 including all approved amendments through November 24, 2009.